

Appl. No. 09/844,114
Reply to office Action of September 21, 2004

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner objected to drawing FIG. 1 as blocks 10, 11, 12, 15 and 16 were not specifically labeled as described in the specification. A replacement FIG. 1, in which blocks 10, 11, 12, 15 and 16 are respectively labeled "transmitter", "receiver", "modulator", "demodulator" and "processor" is submitted herewith. The specification has been amended to add a reference to the priority claim. No new matter has been introduced.

The Examiner has rejected to the claimed invention under 35 U.S.C. § 101 as directed to non-statutory subject matter. In particular, the Examiner noted that "a natural electromagnetic alternating field" is a law of nature.

The rejection under 35 U.S.C. § 101 is respectfully traversed.

Claims 1, 3 and 4 have been cancelled without prejudice. New independent claims 21, 22, 23 and 24 have been added and

dependent claims 2, 5-7, 9-14, and 16-20 have been amended to more clearly define the invention.

New independent claims 21-24 (and all of the remaining claims, which ultimately depend from claim 21) relate to a method of transmitting a high frequency signal between a transmitter and a receiver. Specifically, claims 21 and 24 recite a method wherein a high frequency signal is linked with a signal for a natural alternating electromagnetic field to form a linked signal and the high frequency signal is extracted from the linked signal in the receiver. Additionally, claim 22 recites a method wherein a high frequency signal is modulated on a signal for a natural alternating electromagnetic field to form a linked signal, and claim 23 recites a method wherein a signal for a natural alternating electromagnetic field is modulated on a high frequency signal to form a linked signal. Support for new independent claim 24 can be found in the specification as filed at page 2, last paragraph to page 3.

The pending claims do not relate to a mere law of nature or scientific principle, divorced from any tangible structure. Rather, the claims relate to a method for transmitting a high frequency signal between a transmitter and a receiver, wherein

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the high frequency signal and a natural alternating electromagnetic field are manipulated as described in the claimed method steps. The pending claims clearly are directed to statutory subject matter, specifically, a method of transmitting high frequency signals by using positive, delineated steps. Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. § 101 is overcome and should be withdrawn.

Claims 1 and 2 have been rejected under 35 U.S.C. §102(e) as anticipated by *Davies*, U.S. Patent No. 6,396,600. Claims 1 and 2 have also been rejected under 35 U.S.C. §102(e) as anticipated by *Lewin et al.*, U.S. Patent Publication No. 2003/0010872 A1. Essentially, it is the Examiner's position that both the *Davies* and the *Lewin et al.* references disclose a method of high frequency signal transmission between a transmitter and a receiver comprising linking or mixing a signal for generating a natural electromagnetic alternating field with a high frequency transmission signal, wherein the high frequency transmission signal is extracted from the linked signals in the receiver.

The rejections are respectfully traversed.

Neither the *Davies* reference nor the *Lewin et al.* reference

relate to the linking of a high frequency signal with a signal for a natural alternating electromagnetic field as recited in the claims of the present application. In particular, the *Davies* patent relates to the transmission and coupling of high frequency signals and nowhere teaches or discloses the use of a natural alternating electromagnetic field. Additionally, the *Lewin et al.* reference relates to a method for transmitting a information carrying signal along the tracks of a railroad. The method according to *Lewin et al.* uses only radio frequencies of low, very low, extremely low and ultra low frequency (see *Lewin et al.* at parag. 0046). In contrast, the claims of the present application relate to a method for transmitting high frequency signals between a transmitter and a receiver.

Moreover, the signals taught in *Lewin et al.* are periodical, continuous signals. The natural, alternating electromagnetic field used in the method recited in the pending claims is an a-periodic or non-periodic field. The nature of a natural alternating electromagnetic filed is non-periodic and chaotic. Thus, in the claimed method as recited in claim 22, burst-like natural alternating electromagnetic fields are modulated on a high frequency signal. In the claimed method as recited in claim 23, a high frequency signal is modulated onto a burst-like

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natural alternating magnetic field. The burst-like natural alternating magnetic fields may constitute, for example, an envelope.

Neither of the cited references disclose a method for transmitting high frequency signals using a natural alternating electromagnetic field as recited in independent claim 21 and 24 and claims 2 and 5-20 which depend from claim 21. Furthermore, Applicant notes that claims 3 and 4 were not rejected based on the prior art references of record. Dependent claim 3 has been canceled without prejudice and rewritten in independent form as new claim 22. Dependent claim 4 has been canceled without prejudice and rewritten in independent form as new claim 23. Accordingly, Applicant believes new claims 22 and 23 are allowable over the cited references.

In summary, a replacement FIG. 1 has been submitted to address the objections raised by the Examiner. The specification has been amended to reference the priority claim. Claims 1, 3 and 4 have been cancelled without prejudice. New independent claims 21, 22, 23 and 24 have been added and dependent claims 2, 5-7, 9-14, and 16-20 have been amended to more clearly define the invention.

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The Commissioner is hereby authorized to charge our Deposit account No. 03-2468 in the amount of \$100.00 to cover the fee for one independent claim over three for a small entity.

The applicant believes that the remaining claims are written to overcome the rejections of the Examiner. Accordingly, the applicant respectfully requests early allowance of the remaining claims.

Respectfully submitted,
KONIG, F. - 2

William Collard

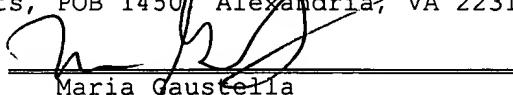
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Enclosures: Attachment A: Replacement FIG. 1
Supplemental Information Disclosure Statement

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, POB 1450, Alexandria, VA 22313-1450 on December 21, 2004.



Maria Gausteller

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Amendments to the Drawings:

Please replace the original drawing sheet including Figure 1
with the sheet attached as Attachment A.



ATTACHMENT “A”